

Remarks

The present application includes claims 2-5 and 9. Claims 1-8 have been rejected by the Examiner. By this response, claims 1 and 6-8 have been cancelled, and new claim 9 has been added. Dependent claims 2-5 have been amended to depend from claim 9.

Claims 1-8 were rejected under 35 U.S.C. 103(a) as unpatentable over Yoseloff et al. (U.S. Patent No. 6,471,208) in view of Nagao (U.S. Patent No. 5,423,539). Applicant respectfully traverses the Examiner's rejection for at least the following reasons.

Yoseloff discloses a gaming machine in which special symbols, such as "Whammy's" are provided on the reels. In Yoseloff, at column 4 line 51, the reference states that: "Preferably, the presence of three "Whammy's" *anywhere in the 5x3 display* define a winning combination and pay a scatter pay" (emphasis added). The Examiner appears to contend that the only difference between the pending claims of present application and the Yoseloff reference is, in the presently pending claims, the provision of more than one special symbol on each reel.

The Examiner then turns to Nagao, which provides a large number of figures representing symbol layouts on reels. The Examiner refers explicitly to figure 6A in which reel 2 shows two "I Bar" symbols separated by a "Devil" symbol, and reel 3 shows two "I Bar" symbols appearing adjacent each other. In the present office action, the Examiner argues that there is little different between a "special" symbol and "ordinary" symbol in a gaming machine, and therefore it would be obvious for a skilled addressee to combine Yoseloff and Nagao to arrive at the presently claimed invention - namely a gaming machine in which more than one scatter symbol can appear on any given reel

when that reel is stopped, and all scatter symbols displayed on all reels contribute to a single prize.

However, the contention that all gaming symbols are merely indicia, and that exchanging “special” symbols for “ordinary” symbols is normal (and obvious) practice is simply incorrect. In the gaming art, “special” game symbols and “ordinary” game symbols are, to gaming experts, fundamentally different and are not considered the same or equivalent to each other. The present amendment to the independent claims helps to highlight the differences between “special” and “ordinary” symbols.

The presently pending claims, as amended, relate to a gaming machine which has two games running simultaneously on each spin of the reels. The first game is that defined by the standard symbols, and involves a player wagering a bet on a payline, and achieves a winning combination of symbols on an active (or purchased) payline. The second game is that defined by the “scatter” symbols, that is, the scatter symbols can appear anywhere on the display, and the prize is dependant on the number of scatter symbols, not their relative positions on the display.

As the Examiner will appreciate, this arrangement allows for winning combinations comprising a greater number of scatter symbols than there are reels to be achieved. This in turn allows the scatter win payable to be far more extensive that would be the case if only one scatter symbol appeared on each reel.

By this Response, claim 1 has been cancelled and new claim 9 has been added. Claims 2 through 5 have been amended to now depend from new claim 9. New claim 9 recites an arrangement in which each reel has at least one scatter symbol. Additionally, claim 9 recites an arrangement in which the player wagers on paylines, and the machine

has a wager selector to enable the player to select the number of paylines on which to wager. Furthermore, claim 9 recites an arrangement in which it is possible to achieve a greater number of scatter symbols than there are reels in the game.

The Applicant respectfully submits that these features are neither taught by the cited documents, nor would they be obvious to one skilled in the art in light of the cited art of record, taken alone or in combination.

Thus, for at least the reasons recited above, the Applicant respectfully submits that independent claim 9 and dependent claims 2-5 should be allowable over the cited art of record.

CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

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